

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KATELYN HANKS,)	
)	
Plaintiff,)	
)	CIVIL ACTION
)	
vs.)	
)	File No.: 3:18-cv-01836-L
CHARCO BROILER STEAK HOUSE)	
#2, INC. and NICK M. CORDOVA,)	
)	
Defendants.)	

DEFENDANT'S ORIGINAL ANSWER

Defendants, Charco Broiler Steak House #2, Inc. and Nick M. Cordova, file this original answer to plaintiff Katelyn Hanks' original complaint.

A. ADMISSIONS & DENIALS

1. Defendants admit the allegation in paragraph 1 that this Court has jurisdiction over the action but defendant denies that defendants failed to remove physical barriers to access and violate Title III of the ADA.

2. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraphs 2, 3, 4, 5, and 6.

3. Defendants admit the allegations in paragraphs 7, 8, 9 and 10.

4. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11 that plaintiff was a customer on July 3, 2018, at Charco Broiler Steak Housse #2.

5. Defendants admit the allegations in paragraphs 12 and 13.

6. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraphs 14, 15, 16, 17 and 18.

7. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraphs 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40.

8. Defendants deny the allegations in paragraph 41.

9. Defendants lack knowledge or information sufficient to form a belief about the truth of the allegations in paragraphs 42, 43, 44 and 45.

10. Defendants deny the allegations in paragraph 46 that plaintiff's counsel is entitled to recover its attorney's fees and costs of litigation from defendants because neither plaintiff nor plaintiff's counsel made any effort to contact defendants prior to filing this complaint.

11. Defendants deny the allegations in paragraph 47 because, despite the fact that neither plaintiff nor plaintiff's counsel contacted defendants, upon hearing that plaintiff encountered difficulty in accessing defendants' facilities, defendants immediately began planning to make modifications to make defendants' facilities more accessible to plaintiff and others similar to plaintiff, despite the fact that doing so would be at a high cost to defendants because of the age and construction type of the building.

B. DEFENSES & AFFIRMATIVE DEFENSES

12. The accommodation requested by plaintiff was not reasonable because, contrary to plaintiff's statement, no alterations have been made to the building in question and because of the high cost of the requested modifications due to the age and type of the construction of the building.

C. PRAYER

13. For these reasons, defendants ask the Court to enter judgment that plaintiff take nothing, dismiss plaintiff's suit with prejudice, assess costs against plaintiff, award defendants their reasonable attorney fees under 42 U.S.C. §12205, and award defendant all other relief the Court deems appropriate.

Dated: August 28, 2018.

Respectfully submitted,

RAUL ELIZONDO, P.C.

/s/ Raul Elizondo

Raul Elizondo

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INC. & NICK M. CORDOVA